

Kaioen Coffee #150

Issue: Vertical accessibility to the second floor.

Analysis: Kaioen Coffee is a not for profit coffee shop owned and managed by River of Life Church in Oviedo, Florida. This project consists of an alteration of an existing two story building with 1,170 square feet. The applicant states that persons who would like to come into the coffee shop are offered a ground floor space that offers coffee service and a place for seating and a restroom facility. An application for permit has been submitted to the City of Oviedo for a change of use from Office/Storage to Mercantile to provide additional seating on the second level of the building. The Local Building Department has requested for the applicant to provide vertical accessibility according to the accessibility code because the second floor space will be used for occupant seating and the 201.1.1(3) exception is no longer applicable because of the proposed occupancy change. The applicant states that the site on which the building sits on is not conducive for 80' of ramp that would be required for a 110' vertical rise and there is little or no room to put an elevator in. The total cost for this project is \$5,000. However, in the past 3 years \$20,000 worth of renovations have been completed. The applicant states a Hercules 2/750 elevator costs \$5000. The applicant is seeking a waiver based on the economic hardship of providing vertical accessibility to the second story of the building.

Uploaded Documents:

1. Hercules Lift
2. Building Floor plan Drawings
3. Building Photos
4. Plan Review Comments
5. Boundary Survey
6. Project Notes Sheet

Project Progress: This project is currently in plan review.

Building Official Comment:

Chip

They either receive the waiver or don't. There is a code enforcement case against them that required them to get this resolved.

Donald Fuchs, MCP, CBO Building Official

City of Oviedo Building Services as contracted with PDCS

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Items to be waived:

Vertical accessibility to the structure, as required by section 553.509, Florida Statutes.

553.509 Vertical accessibility. This part and the Americans with Disabilities Act Standards for Accessible Design do not relieve the owner of any building, structure, or facility governed by this part from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the standards require an elevator to be installed in such building, structure, or facility, except for:

- (a) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
 - (b) Unoccupiable spaces, such as rooms, enclosed spaces and storage spaces that are not designed for human occupancy, for public accommodations or for work areas; and
 - (c) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to equipment control rooms and projection booths.
 - (d) Theaters, concert halls, and stadiums, or other large assembly areas that have stadium-style seating or tiered seating if ss. 221 and 802 of the standards are met.
 - (e) All play and recreation areas if the requirements of chapter 10 of the standards are met.
 - (f) All employee areas as exempted in s. 203.9 of the standards.
 - (g) Facilities, sites, and spaces exempted by s. 203 of the standards.
- (2) However, buildings, structures, and facilities must, as a minimum, comply with the Americans with Disabilities Act Standards for Accessible Design.

206.2.4 Spaces and Elements. At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility which are otherwise connected by a circulation path unless exempted by 206.2.3 Exceptions 1 through 7.

402.2 Components Accessible routes shall consist of one or more of the following components: Walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4 and 208.3.1.

Waiver Criteria: There is no specific guidance for a waiver of this requirement in the code. The Commission's current rule, authorized in Section 553.512, Florida Statutes, provides criteria for granting waivers and allows consideration of unnecessary or extreme hardship to the applicant if the specific requirements were imposed.

Building Official Response:

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